

OPINION
52-36

July 17, 1952 (OPINION)

ELECTIONS

RE: Publications Returns on Measures

Your letter of the fifteenth instant re publication of election returns on initiated and referred measures has reached my desk.

Sections 16-1321 and 16-1332 are very specific as to the election information which the county auditor is required to publish. Section 16-1321, in our opinion, refers only to primary election returns, and section 16-1332 refers only to the fall general election returns. The publication required by sections 16-1321 would show the findings of the canvassing board on the matter of initiated and referred measures.

Section 16-1332 refers only to the fall or general election, and specifies what the publication required thereby should contain. Clearly, if initiated or referred measures are voted upon at such general election, the abstract required would show the vote thereon by precincts.

It is our opinion that we cannot, by interpretation, make section 16-1321 broad enough to require the publication of the election returns on initiated or referred measures by precincts, when such measures are voted upon at the primary election, simply because such primary election is the final vote on such measures. Such requirement is for the Legislature. Until the Legislature amends section 16-1321 to require such publication after a primary election at which such measures are submitted, we do not believe that the county auditor would be justified in putting the county to the expense of a publication not required by law.

ELMO T. CHRISTIANSON

Attorney General